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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

MARK J. ASTARITA, individually and  
behalf of all others similarly situated,

Plaintiff,

v.

GOOGLE LLC and ALPHABET INC.,

Defendants.

) Case No. 21-cv-00022-DMR

)

)

) **DEFENDANTS' NOTICE OF UNOPPOSED**  
) **ADMINISTRATIVE MOTION TO RELATE**  
) **CASES**

)

)

)

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) Hon. Donna M. Ryu

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1 **NOTICE**

2 Pursuant to Local Rule 3-12(b), Defendants Google LLC and Alphabet Inc. hereby give  
3 notice of the filing of their Unopposed Administrative Motion to Relate the above-captioned action  
4 to *In re Google Digital Advertising Antitrust Litigation*, 20-cv-03556-BLF. The Motion is attached  
5 hereto as Exhibit A.

6  
7 DATED: January 8, 2021

**WILLIAMS & CONNOLLY LLP**

8 By: /s/ John E. Schmidtlein  
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# EXHIBIT A



**TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

PLEASE TAKE NOTICE that, pursuant to Civil Local Rules 3-12 and 7-11, Defendants Google LLC and Alphabet Inc. (“Defendants”) hereby move to relate the fourth of four recently filed putative class actions, *Astarita v. Google LLC, et al.*, Case No. 21-cv-00022-DMR (N.D. Cal. filed Jan. 4, 2021), to this ongoing *In re Google Digital Advertising Antitrust Litigation* (“*Digital Ads Litigation*”).

As reflected in the accompanying Stipulation and [Proposed] Order, Plaintiff Mark J. Astarita (“Plaintiff”) and Defendants agree that Plaintiff’s case meets both of the requirements for relatedness under Local Rule 3-12. First, Plaintiff’s complaint names the same Defendants as in the *Digital Ads Litigation*; asserts the same claims for relief—under Section 2 of the Sherman Act and under California’s Unfair Competition Law—asserted in *the Digital Ads Litigation*; bases his claims for relief upon the same alleged practices by Google regarding display advertising as those alleged in *the Digital Ads Litigation*; and proposes to represent the same class as the class proposed in *Digital Ads Litigation*. Thus, Local Rule 3-12(a)(1) is satisfied given that these two cases concern substantially the same parties, property, transactions, and events. Second, because *Astarita* and *Digital Ads Litigation* arise out of substantially identical facts and are brought on behalf of the same proposed class, conducting the two cases before different judges would result in an unduly burdensome duplication of labor and expense and potentially conflicting results, such as with regard to the lawfulness of the alleged conduct and with respect to injunctive relief that plaintiffs in the actions each may seek. Local Rule 3-12(a)(2) is therefore also satisfied.

For the foregoing reasons, and pursuant to the parties’ stipulation, Defendants respectfully request that the Court enter the proposed Order finding these two cases related.

Dated: January 8, 2021

Respectfully submitted,

By: /s/ John E. Schmidlein  
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[Additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

IN RE GOOGLE DIGITAL  
ADVERTISING ANTITRUST  
LITIGATION

Case No. 5:20-cv-03556-BLF

**STIPULATION AND [PROPOSED] ORDER  
RELATING CASES**

Civ. L.R. 3-12, 7-11

Pursuant to Civil Local Rules 3-12 and 7-11, Mark J. Astarita ("Plaintiff"), the plaintiff in *Astarita v. Google LLC, et al.*, Case No. 21-cv-00022-DMR (N.D. Cal. filed Jan. 4, 2021), and defendants Google LLC and Alphabet Inc. ("Defendants"), stipulate as follows:

WHEREAS, Plaintiff filed his action against Defendants on January 4, 2021;

WHEREAS, Plaintiff's complaint names the same Defendants as in the above-captioned consolidated litigation, *In re Google Digital Advertising Litigation*, No. 20-cv-3556-BLF ("*Digital Ads Litigation*");

WHEREAS, Plaintiff's complaint asserts the same claims for relief, under Section 2 of the Sherman Act and under California's Unfair Competition Law, asserted in *Digital Ads Litigation*;

WHEREAS, Plaintiff bases his claims for relief upon the same alleged practices by Google regarding display advertising as those alleged in the *Digital Ads Litigation*;

WHEREAS, Plaintiff proposes to represent a class co-extensive with the class proposed in *Digital Ads Litigation*;

WHEREAS, Local Rule 3-12(a) is therefore satisfied because these two cases concern substantially the same parties, property, transactions, and events;

WHEREAS, Local Rule 3-12(b) also is satisfied because conducting the two cases before different Judges would result in an unduly burdensome duplication of labor and expense and potentially conflicting results.

NOW THEREFORE, pursuant to Local Rules 3-12 and 7-11, the parties, through their respective counsel, hereby stipulate and respectfully request that the Court find that *Astarita v. Google LLC, et al.*, Case No. 21-cv-00022-DMR (N.D. Cal. filed Jan. 4, 2021), is related to and therefore is to be assigned to the same Judge presiding in *In re Google Digital Advertising Litigation*, No. 20-cv-3556-BLF.

**IT IS SO STIPULATED.**

Dated: January 8, 2021

Respectfully submitted,

By: /s/ John E. Schmidlein  
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Benjamin M. Greenblum (*pro hac vice*)  
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**ATTESTATION**

I, John E. Schmidtlein, am the ECF User whose ID and password are being used to file this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that all counsel have concurred in this filing.

/s/ John E. Schmidtlein

John E. Schmidtlein

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Hon. Beth Labson Freeman  
United States District Judge